**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH**

S.B. CIVIL WRIT PETITION NO.2857/07

Mst. Galol & Ors. **Versus** Rai Chand & Ors.

**DATE OF ORDER :: 24/04/2007**

**HON'BLE MR. JUSTICE AJAY RASTOGI**

Mr. Hanuman Choudhary, for petitioners

***

Instant petition has been filed assailing the order dated 26th March, 2007 whereby application filed by defendants U/O 9 R.13 CPC was allowed and ex-parte decree passed in favour of petitioners has been set aside.

A suit was filed by petitioners before learned Sub-Divisional Officer, Kekri for permanent injunction u/ss.88 & 188 of Rajasthan Tenancy Act for restraining the respondents from dispossessing petitioners from the land in question. Ex-parte decree was passed in favour of petitioners on 24th April, 2000 and thereafter, application was filed U/O 9 R.13 CPC for setting aside ex-parte decree.

The learned authority after examining the scope of O.9 R.13 CPC and so also the manner in which ex-parte proceedings were initiated in the matter, considered appropriate to grant opportunity to the defendants after setting aside ex-parte decree passed in favour of petitioners.